

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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)	
STEVEN R. KINCAID,)	
)	
Plaintiff,)	
)	
v)	Civil Action No. 04-11522-WGY
)	
)	
BANK OF AMERICA)	
CORPORATION,)	
)	
Defendant.)	
)	
_____)	

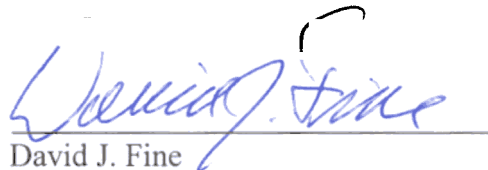
AFFIDAVIT OF DAVID J. FINE

David J. Fine states under the penalties of perjury

1. I am counsel for the plaintiff in this action. I submit this Affidavit in opposition to Defendant's Motion for Summary Judgment.
2. I am attaching as exhibits to this affidavit true copies of the following:
 - Exhibit 1 The Personnel Center's "Perf Mgmt - Steven Kincaid" Memorandum, BA 111-115
 - Exhibit 2: Associate Counseling memorandum, marked as Kincaid Exhibit 9
 - Exhibit 3: Performance Plan & Evaluation Form, marked as Kincaid Exhibit 8
 - Exhibit 4: Overall Rating page, marked as Burroughs Exhibit 2
 - Exhibit 5: Excerpts from the Sheila Burroughs deposition

- Exhibit 6 Excerpts from the Alec Kotopoulos deposition
- Exhibit 7 Organizational Chart (BA 233)
- Exhibit 8 Excerpts from the Vipin Mayar deposition
- Exhibit 9: Excerpts from the Elizabeth Janak deposition
- Exhibit 10: "CAMR Turnover As of 8.11.03" table and graph (BA 17)
- Exhibit 11 8/18/03 e-mails from Janak to Kotopoulos and Kotopoulos to Janak (BA 116)
- Exhibit 12 Expert Report of Joel P. Wiesen, Ph.D
- Exhibit 13 Bank's Sexual Harassment and Discrimination Policy (BA 24)
- Exhibit 14: Letter dated 4/25/03 from Deborah Martin Norcross to J Steele Alphin
- Exhibit 15 Letter dated 4/30/03 from Eric A. Montgomery to Deborah Martin Norcross
- Exhibit 16: Letter dated 5/20/03 from Deborah Martin Norcross to Eric A. Montgomery
- Exhibit 17 Excerpts from the Eric Montgomery deposition
- Exhibit 18 Letter dated 9/8/03 from Mark C. Noble to Equal Employment Opportunity Commission
- Exhibit 19 Excerpts from the Steven Kincaid deposition

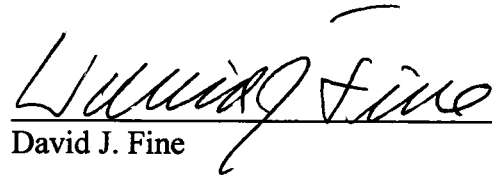
Signed under the penalties of perjury this 28th day of November 2005


David J. Fine

Certificate of Service

I hereby certify that I have this day served the foregoing by causing true copies thereof to be transmitted electronically and mailed, first class postage prepaid, to Siobhan M. Sweeney, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, Massachusetts 02110 and Mark A. Pogue, Esq., Edwards & Angell, LLP, 2800 Financial Plaza, Providence, Rhode Island, 02903, attorneys for defendant.

Dated: November 28, 2005


David J. Fine